

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4845-2021

Date of Decision: 08.02.2021.

SHIVAM SHARMA

.....*Petitioner*

V/s.

STATE OF PUNJAB

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Mr. Amit Dhawan, Advocate,
 for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.234, dated 17.09.2018, registered under Section 406 of the Indian Penal Code, 1860 at Police Station Rama Mandi, District Jalandhar, Punjab.

Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the case in hand, which rests on circumstantial evidence without there being any qualitative evidence on record to connect him with the commission of crime. Learned counsel has further submitted that the trial has been proceeding at a very slow pace and ever since the arrest of the petitioner on 04th October, 2018, only 04 out of the 19 prosecution witnesses cited, have been examined so far. He has further submitted that the similarly situated co-accused (Karan Kumar) has been extended the concession of regular bail by this Court vide order dated

08.01.2021 passed in CRM-M-44319-2020. Thus, a prayer has been made to extend the concession of regular bail to the petitioner as well.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sarabjit Singh, has submitted that the delay in conclusion of the trial has been on account of the outbreak of pandemic COVID-19. However, she has fairly conceded that the case of co-accused Karan Kumar who has been extended the concession of regular bail by this Court is at parity with the petitioner.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

February 8, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>